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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,090

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Henry W. Bonk

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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,090	Applicant(s) BONK ET AL.	
	Examiner WALTER B. AUGHENBAUGH	Art Unit 1782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Request for Reconsideration filed December 10, 2009 has been received and considered by Examiner.

WITHDRAWN REJECTIONS

2. The obviousness double patenting rejection of claims 1-7, 9 and 10 over claim 9 (and additionally, claim 20) of U.S. Patent No. 6,599,597 in view of Lee et al. (USPN 5,605,961) has been withdrawn due to Applicant's argument on page 6 of the Request for Reconsideration filed December 10, 2010. A terminal disclaimer based on U.S. Patent No. 6,599,597 was filed on February 23, 2006.

3. The obviousness double patenting rejection of claims 1-7, 9 and 10 over claim 7 of U.S. Patent No. 6,730,379 in view of Lee et al. (USPN 5,605,961) has been withdrawn due to Applicant's argument on page 9 of the Request for Reconsideration filed December 10, 2010. The Restriction Requirement in U.S. App. 09/170,790 designated the cushioning device claims and the shoe claims as different Groups.

REPEATED REJECTIONS

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-7, 9 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 47 of U.S. Patent No. 6,013,340 in view of Lee et al. (USPN 5,605,961).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 47 of U.S. Patent No. 6,013,340 teaches a device that corresponds to the claimed device comprising thermoplastic aliphatic and aromatic polyurethanes. Claim 47 and col. 15, lines 16-25. Col. 15, lines 16-25 shows that the claim terminology “thermoplastic polyurethane” includes polyurethane thermoplastic elastomers.

U.S. Patent No. 6,013,340 fails to explicitly teach an embodiment where the thermoplastic polyurethane is formed as the reaction product of at least one diol as claimed, at least one difunctional extender and at least one aliphatic diisocyanate (although claims 7-12 and 46 teach use of an extender and a diisocyanate).

Lee et al., however discloses a thermoplastic molding composition that comprises a thermoplastic polyurethane (col. 2, lines 30-36), and that the thermoplastic polyurethane is formed via well known methods in which at least one polyester or polyether diol, at least one difunctional extender and at least one diisocyanate are reacted (col. 2, line 41-col. 3, line 3). Lee

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et al. disclose that isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate, all of which are aliphatic diisocyanates (see, for example, paragraph 0082 of Applicant's specification), are suitable diisocyanates for forming the thermoplastic polyurethane (col. 4, lines 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a thermoplastic polyurethane formed from the reaction product of at least one polyester or polyether diol, at least one difunctional extender and at least one aliphatic diisocyanate (such as isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate) since the thermoplastic polyurethane formed from the reaction product of these reactants is a well known composition for formation of a thermoplastic molding composition as taught by Lee et al.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a multilayered article that corresponds to the claimed article because claims 50-52 of U.S. Patent No. 6,013,340 teach it is known to form such a multilayered article.

6. Claims 1-7, 9 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,203,868 in view of Lee et al. (USPN 5,605,961).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 10 of U.S. Patent No. 6,203,868 teaches a device that corresponds to the claimed device comprising thermoplastic aliphatic and aromatic polyurethanes. Claim 10 and

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col. 10, lines 57-65. Col. 10, lines 57-65 shows that the claim terminology “thermoplastic polyurethane” includes polyurethane thermoplastic elastomers.

U.S. Patent No. 6,203,868 fails to explicitly teach an embodiment where the thermoplastic polyurethane is formed as the reaction product of at least one diol as claimed, at least one difunctional extender and at least one aliphatic diisocyanate.

Lee et al., however discloses a thermoplastic molding composition that comprises a thermoplastic polyurethane (col. 2, lines 30-36), and that the thermoplastic polyurethane is formed via well known methods in which at least one polyester or polyether diol, at least one difunctional extender and at least one diisocyanate are reacted (col. 2, line 41-col. 3, line 3). Lee et al. disclose that isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate, all of which are aliphatic diisocyanates (see, for example, paragraph 0082 of Applicant’s specification), are suitable diisocyanates for forming the thermoplastic polyurethane (col. 4, lines 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a thermoplastic polyurethane formed from the reaction product of at least one polyester or polyether diol, at least one difunctional extender and at least one aliphatic diisocyanate (such as isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate) since the thermoplastic polyurethane formed from the reaction product of these reactants is a well known composition for formation of a thermoplastic molding composition as taught by Lee et al.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a multilayered article that corresponds to the claimed article

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because claim 11 of U.S. Patent No. 6,203,868 teach it is known to form such a multilayered article.

7. Claims 1-7, 9 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,652,940 in view of Lee et al. (USPN 5,605,961).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 22 of U.S. Patent No. 6,652,940 teaches a device that corresponds to the claimed device comprising thermoplastic aliphatic and aromatic polyurethanes. Claim 22 and col. 14, lines 59-67. Col. 14, lines 59-67 shows that the claim terminology “thermoplastic polyurethane” includes polyurethane thermoplastic elastomers. The container that is permanently sealed and that includes a captive gas of claim 26, and the inflatable ball of claim 27, correspond to the claimed cushioning device.

U.S. Patent No. 6,652,940 fails to explicitly teach an embodiment where the thermoplastic polyurethane is formed as the reaction product of at least one diol as claimed, at least one difunctional extender and at least one aliphatic diisocyanate.

Lee et al., however discloses a thermoplastic molding composition that comprises a thermoplastic polyurethane (col. 2, lines 30-36), and that the thermoplastic polyurethane is formed via well known methods in which at least one polyester or polyether diol, at least one difunctional extender and at least one diisocyanate are reacted (col. 2, line 41-col. 3, line 3). Lee et al. disclose that isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate, all of which are aliphatic diisocyanates (see,

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for example, paragraph 0082 of Applicant's specification), are suitable diisocyanates for forming the thermoplastic polyurethane (col. 4, lines 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a thermoplastic polyurethane formed from the reaction product of at least one polyester or polyether diol, at least one difunctional extender and at least one aliphatic diisocyanate (such as isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate) since the thermoplastic polyurethane formed from the reaction product of these reactants is a well known composition for formation of a thermoplastic molding composition as taught by Lee et al.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a multilayered article that corresponds to the claimed article because claim 23 of U.S. Patent No. 6,652,940 teach it is known to form such a multilayered article.

8. Claims 1-7, 9 and 10 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,692,803 in view of Lee et al. (USPN 5,605,961).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 21 of U.S. Patent No. 6,692,803 teaches a device that corresponds to the claimed device comprising thermoplastic aliphatic and aromatic polyurethanes. Claim 21 and col. 14, lines 55-63. Col. 14, lines 55-63 shows that the claim terminology "thermoplastic polyurethane" includes polyurethane thermoplastic elastomers.

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U.S. Patent No. 6,692,803 fails to explicitly teach an embodiment where the thermoplastic polyurethane is formed as the reaction product of at least one diol as claimed, at least one difunctional extender and at least one aliphatic diisocyanate.

Lee et al., however discloses a thermoplastic molding composition that comprises a thermoplastic polyurethane (col. 2, lines 30-36), and that the thermoplastic polyurethane is formed via well known methods in which at least one polyester or polyether diol, at least one difunctional extender and at least one diisocyanate are reacted (col. 2, line 41-col. 3, line 3). Lee et al. disclose that isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate, all of which are aliphatic diisocyanates (see, for example, paragraph 0082 of Applicant's specification), are suitable diisocyanates for forming the thermoplastic polyurethane (col. 4, lines 6-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a thermoplastic polyurethane formed from the reaction product of at least one polyester or polyether diol, at least one difunctional extender and at least one aliphatic diisocyanate (such as isophorone diisocyanate, hexamethylene diisocyanate, methylene bis (cyclohexyl isocyanate) and xylylene diisocyanate) since the thermoplastic polyurethane formed from the reaction product of these reactants is a well known composition for formation of a thermoplastic molding composition as taught by Lee et al.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed a multilayered article that corresponds to the claimed article because claim 22 of U.S. Patent No. 6,692,803 teach it is known to form such a multilayered article.

Response to Arguments

9. Applicant's arguments in regard to the four remaining ODP rejections have been fully considered but are not persuasive. Applicant's arguments in regard to the four remaining ODP rejections are addressed below in the order presented by Applicant:

---Rejection of claims 1-7, 9 and 10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 47 of U.S. Patent No. 6,013,340 in view of Lee et al. (USPN 5,605,961).

In regard to “a gas-filled cushioning device”, Applicant argues that “[t]he Office Action makes no argument that this is an obvious variant of claim 47.” The Office Action does not state that the gas-filled cushioning device is an obvious variant of the membrane of claim 47 of US ‘340 because it is a gas-filled cushioning device. Claim 1 of US ‘340 recites that the membrane “is sealed and in an inflated state”. Claim 47 is dependent upon claim 1. A membrane that is “is sealed and in an inflated state” is a “gas-filled cushioning device”.

In regard to “a multi-layer film” and “a second, outer layer...”, Applicant argues that reliance on claims 50-52 “is an impermissible use of the patent specification as prior art”, but it is unclear how this is so because claims 50-52 are claims. As stated in the rejection, col. 15, lines 16-25 shows that the claim terminology “thermoplastic polyurethane” includes polyurethane thermoplastic elastomers. Col. 15, lines 20-25 states “[a]mong the available materials which offer these characteristics, it has been found that thermoplastic elastomers of the urethane variety, otherwise referred to herein as thermoplastic urethanes or simply TPU's, are highly preferred because of their excellent processability”. This establishes that “thermoplastic

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urethanes” means “thermoplastic elastomers of the urethane variety” in the context of the ‘340 patent.

In regard to the recitations “permitting an inward diffusion pumping...” and “wherein hydrogen bonding occurs...”, the Office Action does not state that these are obvious variants of the membrane of US ‘340 because the structure and composition taught by the claims of US ‘340 meets the structural and compositional limitations recited in the instant application. In the multilayer film taught by US ‘340, the two layers are bonded together so hydrogen bonding occurs between the two layers.

In regard to Applicant’s argument that Lee et al. is non-analogous art, Lee et al. is analogous art as compared with US ‘340 because both pertain to polyurethanes. Lee et al. disclose known methods by which polyurethanes are made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have looked to Lee et al. for a teaching as to how to make a polyurethane.

---Rejection of claims 1-7, 9 and 10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,203,868 in view of Lee et al. (USPN 5,605,961).

In regard to “a gas-filled cushioning device”, Applicant argues that “[t]he Office Action makes no argument that this is an obvious variant of claim 10.” The Office Action does not state that the gas-filled cushioning device is an obvious variant of the membrane of claim 10 of US ‘868 because it is a gas-filled cushioning device. Claim 1 of US ‘848 recites that the membrane

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“is sealed and inflated with a gas”. Claim 10 is dependent upon claim 1. A membrane that is “is sealed and inflated with a gas” is a “gas-filled cushioning device”.

In regard to “a multi-layer film” and “a second, outer layer...”, Applicant argues that reliance on claim 11 “is an impermissible use of the patent specification as prior art”, but it is unclear how this is so because claim 11 is a claim. Col. 10, lines 61-65 states “[a]mong the available materials which offer these characteristics, it has been found that thermoplastic elastomers of the urethane variety, otherwise referred to herein as thermoplastic urethanes or simply TPU's, are highly preferred because of their excellent processability”. This establishes that “thermoplastic urethanes” means “thermoplastic elastomers of the urethane variety” in the context of the ‘868 patent. This same paragraph was cited in the three other ODP rejections that have been maintained.

In regard to the recitations “permitting an inward diffusion pumping...” and “wherein hydrogen bonding occurs...”, the Office Action does not state that these are obvious variants of the membrane of US ‘868 because the structure and composition taught by the claims of US ‘868 meets the structural and compositional limitations recited in the instant application. In the multilayer film taught by US ‘868, the two layers are bonded together so hydrogen bonding occurs between the two layers.

In regard to Applicant’s argument that Lee et al. is non-analogous art, Lee et al. is analogous art as compared with US ‘868 because both pertain to polyurethanes. Lee et al. disclose known methods by which polyurethanes are made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have looked to Lee et al. for a teaching as to how to make a polyurethane.

---Rejection of claims 1-7, 9 and 10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 6,652,940 in view of Lee et al. (USPN 5,605,961).

In regard to “a gas-filled cushioning device”, as stated in the rejection, the container that is permanently sealed and that includes a captive gas of claim 26, and the inflatable ball of claim 27, correspond to the claimed cushioning device. Applicant argues that reliance on claims 26 and 27 “is an impermissible use of the specification as prior art”, but it is unclear how this is so because claims 26 and 27 are claims. Claim 26 depends upon claim 26, which recites “is permanently sealed”. Sealed containers and inflatable balls that are filled with air reasonably correspond to a “gas-filled cushioning device”.

In regard to “a multi-layer film” and “a second, outer layer...”, Applicant argues that reliance on claim 23 “is an impermissible use of the specification as prior art”, but it is unclear how this is so because claim 23 is a claim. As stated in the rejection, Col. 14, lines 59-67 shows that the claim terminology “thermoplastic polyurethane” includes polyurethane thermoplastic elastomers. Col. 14, lines 63-67 states “[a]mong the available materials which offer these characteristics, it has been found that thermoplastic elastomers of the urethane variety, otherwise referred to herein as thermoplastic urethanes or simply TPU's, are highly preferred because of their excellent processability”. This establishes that “thermoplastic urethanes” means “thermoplastic elastomers of the urethane variety” in the context of the ‘940 patent.

In regard to the recitations “permitting an inward diffusion pumping...” and “wherein hydrogen bonding occurs...”, the Office Action does not state that these are obvious variants of

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the membrane of US '940 because the structure and composition taught by the claims of US '940 meets the structural and compositional limitations recited in the instant application. In the multilayer film taught by US '940, the two layers are bonded together so hydrogen bonding occurs between the two layers.

In regard to Applicant's argument that Lee et al. is non-analogous art, Lee et al. is analogous art as compared with US '940 because both pertain to polyurethanes. Lee et al. disclose known methods by which polyurethanes are made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have looked to Lee et al. for a teaching as to how to make a polyurethane.

---Rejection of claims 1-7, 9 and 10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 6,692,803 in view of Lee et al. (USPN 5,605,961).

In regard to "a multi-layer film" and "a second, outer layer...", Applicant argues that reliance on claim 22 "is an impermissible use of the patent specification as prior art", but it is unclear how this is so because claim 22 is a claim. As stated in the rejection, col. 14, lines 55-63 shows that the claim terminology "thermoplastic polyurethane" includes polyurethane thermoplastic elastomers. Col. 14, lines 59-63 states "[a]mong the available materials which offer these characteristics, it has been found that thermoplastic elastomers of the urethane variety, otherwise referred to herein as thermoplastic urethanes or simply TPU's, are highly preferred because of their excellent processability". This establishes that "thermoplastic

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urethanes” means “thermoplastic elastomers of the urethane variety” in the context of the ‘803 patent.

In regard to the recitations “permitting an inward diffusion pumping...” and “wherein hydrogen bonding occurs...”, the Office Action does not state that these are obvious variants of the membrane of US ‘803 because the structure and composition taught by the claims of US ‘803 meets the structural and compositional limitations recited in the instant application. In the multilayer film taught by US ‘803, the two layers are bonded together so hydrogen bonding occurs between the two layers.

In regard to Applicant’s argument that Lee et al. is non-analogous art, Lee et al. is analogous art as compared with US ‘803 because both pertain to polyurethanes. Lee et al. disclose known methods by which polyurethanes are made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have looked to Lee et al. for a teaching as to how to make a polyurethane.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 7:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /
Examiner, Art Unit 1782

4/08/10

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1782